



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,176	06/26/2001	Tokuo Nakatani	2001_0908A	9277

513 7590 11/04/2005

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER

DUNN, MISHAWN N

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,176

Applicant(s)

NAKATANI ET AL.

Examiner

Mishawn N. Dunn

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Drawings***

1. The drawings are objected to because they do not match the description of the drawings in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to because there is not a description of each drawing (missing description for figures 14-26), nor does the description of the drawings in the specification match the actual drawings provided in the "Brief

Art Unit: 2616

Description of Drawings" section, nor in the "Description of Preferred Embodiments" section. Correction is required.

Claim Rejections - 35 USC § 112


3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The description of the drawings does not match the actual drawings, thus the examiner is unable to refer to the specification to better understand the claims.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.  Claims ~~4 and 8~~^{4, 8, and 9} are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "last, incomplete" in claims 4 and 8 is a relative term which renders the claim indefinite. The term is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope

Art Unit: 2616

of the invention. When the recording unit abnormally stops recording, does the controlling unit only delete the "last, incomplete" video unit or the last video unit, regardless of completeness?

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1-4, 6, 8, 10, 12-15, 17-20, and 22-25 are rejected under 35

U.S.C. 102(e) as being anticipated by Kikuchi et al (US Pat. No. 6577811).

9. Consider claim 1. Kikuchi et al. teaches a recording apparatus comprising of a recording unit operable to record video data (col. 28, lines 31-34; fig. 26) and playback control information corresponding to the video data onto a recording medium (col. 22, lines 47-48; fig. 22), the playback control information controlling

Art Unit: 2616

playback operation of a playback apparatus; a detecting unit operable to detect an abnormality which indicates that the recording unit abnormally stopped recording of a piece of video data (col. 48, lines 14-18; fig. 26) and failed to record a corresponding piece of playback control information onto the recording medium (fig. 34); a generating unit operable to, when the detecting unit detects the abnormality, generate a piece of playback control information corresponding to the piece of video data which was abnormally stopped being recorded (fig. 34); and a controlling unit operable to control the recording unit to record the generated piece of playback control information onto the recording medium (col. 66, lines 3-8).

10. Consider claims 2, 18, and 23. Kikuchi et al. teaches that each piece of playback control information contains section information indicating a playback section of a corresponding piece of video data to the playback apparatus (col. 22, lines 56-65; fig. 23)

11. Consider claims 3, 19, and 24. Kikuchi et al. teaches that the detecting unit detects that the recording unit abnormally stopped recording of a piece of video data due to lack of recording space in the recording medium (col. 58, lines 49-67; fig. 47), and the controlling unit deletes from the recording medium the end portion of the piece of video data which was abnormally stopped being recorded (col. 59, lines 37-65; fig. 48) and controls the recording unit to record the generated piece of playback control information onto the recording medium (col. 66, lines 3-8).

Art Unit: 2616

12. Consider claims 4 and 8. Kikuchi et al. teaches that each piece of video data includes a plurality of video units (fig. 9), and the controlling unit deletes from the recording medium the last, incomplete video unit of the piece of video data which was abnormally stopped being recorded, as the end portion thereof (col. 59, lines 37-65; fig. 48).

13. Consider claims 6, 20, and 25. Kikuchi et al. teaches that the detecting unit detects that the recording unit abnormally stopped recording of a piece of video data (col. 48, lines 14-18) because a power supply (col. 42, line 60) to the recording apparatus had stopped during recording of video data.

14. Consider claim 10. Kikuchi et al. teaches a recording apparatus comprising of a recording unit operable to record video data (col. 28, lines 31-34; fig. 26) and playback control information corresponding to the video data onto a recording medium (col. 22, lines 47-48; fig. 22), the playback control information controlling playback operation of a playback apparatus; a detecting unit operable to detect that the recording unit stopped recording due to lack of recording space in the recording medium (col. 58, lines 49-67; fig. 47); a generating unit operable to, when the detecting unit detects that the recording unit stopped recording (col. 48, lines 14-18), generate a piece of playback control information corresponding to the piece of video data which was abnormally stopped being recorded (fig. 34); and a controlling unit operable to delete from the recording medium the end portion of the piece of video data which was stopped being recorded (col. 59, lines 37-65; fig. 48) and controls the recording unit to record the generated piece of playback control information onto the recording medium (col. 66, lines 3-8).

Art Unit: 2616

15. Method claims 12-15 are rejected for the same reasons as discussed in the corresponding apparatus claims above.

16. Consider claim 17. Kikuchi et al. teaches a computer-readable recording medium (fig. 1; fig. 2) storing a program that allows a computer in a recording apparatus to execute (col. 45, lines 60-67; col. 46, lines 1-67; col. 47, lines 1-14; fig. 33): a first recording step for recording video data and playback control information corresponding to the video data onto a recording medium, the playback control information controlling playback operation of a playback apparatus; a detecting step for detecting an abnormality which indicates that the recording step abnormally stopped recording of a piece of video data and failed to record a corresponding piece of playback control information onto the recording medium; a generating step for, when the detecting step detects the abnormality, generating the piece of playback control information corresponding to the piece of video data which was abnormally stopped being recorded; and a second recording step for recording the generated piece of playback control information onto the recording medium.

17. Consider claim 22. Kikuchi teaches a program that allows a computer in a recording apparatus to execute (col. 45, lines 60-67; col. 46, lines 1-67; col. 47, lines 1-14; fig. 33): a first recording step for recording video data and playback control information corresponding to the video data onto a recording medium, the playback control information controlling playback operation of a playback apparatus; a detecting step for detecting an abnormality which indicates that the recording step abnormally stopped recording of a piece of video data and failed

Art Unit: 2616

to record a corresponding piece of playback control information onto the recording medium; a generating step for, when the detecting step detects the abnormality, generating the piece of playback control information corresponding to the piece of video data which was abnormally stopped being recorded; and a second recording step for recording the generated piece of playback control information onto the recording medium. .

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

19. Claims 1, 2, 6-8, 11-13, 15-18, 20-23, 25, and 26 rejected under 35

U.S.C. 102(e) as being anticipated by Isobe et al. (US Pub. No. 20020018644).

20. Consider claim 1. Isobe et al. teaches a recording apparatus comprising of a recording unit operable to record video data (fig. 1) and playback control information corresponding to the video data onto a recording medium (pg. 7, para. 0066; fig. 4), the playback control information controlling playback

Art Unit: 2616

operation of a playback apparatus; a detecting unit operable to detect an abnormality which indicates that the recording unit abnormally stopped recording of a piece of video data and failed to record a corresponding piece of playback control information onto the recording medium (pg. 9, para. 0091; fig. 12); a generating unit operable to, when the detecting unit detects the abnormality, generate a piece of playback control information corresponding to the piece of video data which was abnormally stopped being recorded (pg. 9, para. 0092-0094); and a controlling unit operable to control the recording unit to record the generated piece of playback control information onto the recording medium (pgs. 9-10, para. 0095).

21. Consider claims 2, 18, and 23. Isobe et al. teaches that each piece of playback control information contains section information indicating a playback section of a corresponding piece of video data to the playback apparatus (pg. 7, para. 0066; fig. 4).

22. Consider claims 6, 20, and 25. Isobe et al. teaches that the detecting unit detects that the recording unit abnormally stopped recording of a piece of video data because a power supply to the recording apparatus had stopped during recording of video data (pg. 9, para. 0085)

23. Consider claims 7, 21, and 26. Isobe et al. teaches each piece of video data includes a plurality of video units (fig. 8), each piece of playback control information further contains an address table that includes discrete recording addresses of video data (fig. 5), the address table being referred to by the playback apparatus for a fastforward playback and a rewinding playback (fig. 1),

Art Unit: 2616

and the recording apparatus further comprises a storing unit operable to store video unit information into a nonvolatile memory (fig. 1), the video unit information showing recording addresses and sizes of video units included in a piece of video data that is being recorded by the recording unit (fig. 5), wherein the detecting unit detects whether a power failure occurred during recording of video data by referring to the nonvolatile memory immediately after the recording apparatus is powered on (pg. 12, para. 0129-0130), and the generating unit generates a piece of playback control information in accordance with the video unit information stored in the nonvolatile memory when the detecting unit detects that the power failure occurred (pg. 12, para. 0131-0133).

24. Consider claim 8. Isobe et al. teaches that each piece of video data includes a plurality of video units (fig. 8), and the controlling unit deletes from the recording medium the last, incomplete video unit of the piece of video data which was abnormally stopped being recorded (pgs. 9-10, para. 0095; pgs. 18-19, para. 0169-0171).

25. Consider claim 11. Isobe et al. teaches a recording apparatus comprising of a recording unit operable to record video data (fig. 1) and playback control information corresponding to the video data onto a recording medium (pg. 7, para. 0066; fig 4), the playback control information containing (a) section information indicating a playback section of a corresponding piece of video data to the playback apparatus (pg. 7, para. 0066) and (b) an address table that includes discrete recording addresses of video data (fig. 5), the address table being referred to by the playback apparatus for a fastforward playback and a

Art Unit: 2616

rewinding playback (fig. 1); a storing unit operable to store video unit information into a nonvolatile memory (fig. 1), the video unit information showing recording addresses and sizes of video units included in a piece of video data that is being recorded by the recording unit (fig. 5), wherein the detecting unit operable to detect whether the recording unit abnormally stopped recording of a piece of video data due to a stoppage of power supply to the recording apparatus (pg. 9, para. 0085); a generating unit operable to, when the detecting unit detects that the recording unit abnormally stopped recording, generate a piece of playback control information corresponding to the piece of video data which was abnormally stopped being recorded (pg. 9, para 0092-0094); and a controlling unit operable to control the recording unit to record the generated piece of playback control information onto the recording medium(pgs. 9-10, para. 0095).

26. Method claims 12, 13, 15, and 16 are rejected for the same reasons as discussed in the corresponding apparatus claims above.

27. Consider claim 17. Isobe et al. teaches a computer-readable recording medium storing a program that allows a computer in a recording apparatus to execute (fig. 1): a first recording step for recording video data and playback control information corresponding to the video data onto a recording medium, the playback control information controlling playback operation of a playback apparatus; a detecting step for detecting an abnormality which indicates that the recording step abnormally stopped recording of a piece of video data and failed to record a corresponding piece of playback control information onto the recording medium; a generating step for, when the detecting step detects the

Art Unit: 2616

abnormality, generating the piece of playback control information corresponding to the piece of video data which was abnormally stopped being recorded; and a second recording step for recording the generated piece of playback control information onto the recording medium.

28. Consider claim 22. Isobe et al. teaches a program that allows a computer in a recording apparatus to execute (pg. 15, para. 0147; pg 15, para 0151; pg. 19, para. 0171): a first recording step for recording video data and playback control information corresponding to the video data onto a recording medium, the playback control information controlling playback operation of a playback apparatus; a detecting step for detecting an abnormality which indicates that the recording step abnormally stopped recording of a piece of video data and failed to record a corresponding piece of playback control information onto the recording medium; a generating step for, when the detecting step detects the abnormality, generating the piece of playback control information corresponding to the piece of video data which was abnormally stopped being recorded; and a second recording step for recording the generated piece of playback control information onto the recording medium.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

Art Unit: 2616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James J. Groody
Supervisory Patent Examiner
Art Unit 262-2616